

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

|                                   |   |                            |
|-----------------------------------|---|----------------------------|
| CYNTHIA B. SCOTT, <i>et al.</i> , | ) |                            |
|                                   | ) |                            |
| <i>Plaintiffs,</i>                | ) |                            |
|                                   | ) |                            |
| v.                                | ) | Case No. 3:12-cv-00036-NKM |
|                                   | ) | Sr. Judge Norman K. Moon   |
|                                   | ) |                            |
| HAROLD W. CLARKE, <i>et al.</i> , | ) |                            |
|                                   | ) |                            |
| <i>Defendants.</i>                | ) |                            |
| _____                             | ) |                            |

**PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE  
WHY DEFENDANTS SHOULD NOT BE HELD IN CONTEMPT**

Plaintiffs Cynthia B. Scott, *et al.*, by their attorneys, hereby respectfully move this Court for the entry of an Order requiring Defendants Harold W. Clarke, *et al.*, to show cause as to why the Defendants should not be held in civil contempt for their continuing and pervasive failure to meet the obligations they assumed *vis-a-vis* the provision of medical care at the Fluvanna Correctional Center for Women that meets or exceeds applicable standards under the Eighth Amendment to the Constitution of the United States, as embodied in the parties' Settlement Agreement dated September 15, 2015, and approved by this Court by Consent Judgment entered February 5, 2016.

As demonstrated more fully in the Plaintiffs' Memorandum of Law filed in support hereof, in the sixteen-month time period during which the standards imposed by the Settlement Agreement have been in effect, the Defendants have repeatedly fallen short of the obligations this Court ordered them to undertake to significantly improve both the quantity and the quality of the medical care to which the class members residing at FCCW are constitutionally entitled. As a result, pursuant to the enforcement mechanism embodied in Section V.2. of the Settlement

Agreement, the Plaintiffs merit relief from this Court in the form of sanctions against the Defendants for civil contempt for violation of the Consent Judgment.

For these reasons, the instant Motion should be granted.

As the Defendants are expected to dispute the existence of any noncompliance, as well as its character and magnitude, the Plaintiffs request an evidentiary hearing on these matters.

DATED: September 6, 2017

Respectfully submitted,

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By: /s/***Brenda E. Castañeda***

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of September, 2017, a true and correct copy of  
Plaintiffs' Motion For Order to Show Cause Why Defendants Should Not be Held in Contempt  
was served electronically upon the following:

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/s/Brenda E. Castañeda  
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